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# FAX COVER SHEET

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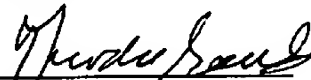
Send to:	United States Patent and Trademark Office
Attention:	David Saunders
Art Unit :	1644
Fax Number:	703-872-9306

## Comments:

Transmitted herewith:

1. Response and amended claims – 9 sheets
2. Replacement pages 4, 5 and 7 of the specification, clean and mark-up—6 sheets

Respectfully Submitted,



Theodore Gottlieb, PhD  
Reg. No. 42, 597

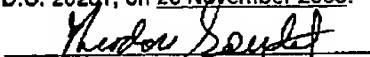
Atty's Docket: 101195-63

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile to the Assistant Commissioner For Patents, Washington, D.C. 20231, on 26 November 2003.

  
Theodore Gottlieb**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO.	:	09/937,126
APPLICANT	:	Heinrich et al.,
FILED	:	19 December 2001
EXAMINER	:	David Saunders
ART UNIT	:	1644
FOR	:	Immunoabsorbers for use in Sepsis Therapy

Commissioner of Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

26 November 2003

**RESPONSE PURSUANT TO 37 CFR § 1.111**

Sir:

This communication is in response to the office action of 24 June 2003.

Entry of the amendments and consideration of the remarks respectfully  
requested.

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**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

**ADDITIONAL FEES**

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

**REMARKS**

Claims 1-15 are pending in the application. Applicants respectfully draw Examiner's attention to the fact that claims 16-17 were canceled in the preliminary amendment filed earlier in this case. Further review of the list of Examiner's objection indicates that perhaps the preliminary amendment did not find its way to the file. For example, in the present application, only claims 12 and 13 retained improper multiple dependent form. The others, 4-5, 11, 14 and 16 were previously amended.

None of the amendments or new claims are believed to introduce new matter.

**New Dependent Claims 18-21 and 22-27**

New dependent claims 18-22 are directed to a method of performing the sepsis therapeutic aspect of the invention. A goal of these claims is to further underscore that the immunoadsorber may be used without prior filtering or concentrating of the fluid to be treated. This aspect of the method may be compared with Matson, Davidner who disclose devices and methods comprising hemofiltration – the separation of the cellular components from the plasma fraction of blood.

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Adequate support for these claims may be found in the specification and the knowledge in the art.

For example, the bottom half of page 1 describes the role of microbial cells and/or fragments thereof, in causing septic shock. Further, host cells, e.g., monocytes/macrophages, neutrophils and lymphocytes may be called upon combat microbes and foreign particles/fragments.

On page 10, Applicants expressly indicate that the immunoadsorber may be used with serum, blood plasma or buffers.

Claims 22-27 are directed toward the use of avian antibodies in preparing the immunoadsorber. It is known in the art that complement activation is induced by the Fc portion of mammalian IgG. However, avian antibodies do not activate complement. Thus, during the treatment of the septicaemic blood, the inflammatory effects of activating complement are avoided.

The use of birds and chickens for raising antibodies is disclosed in the specification at page 6, last three paragraphs.

#### Formal Objections

The formal objections to the specification are believed to have been satisfactorily addressed by providing replacement specification pages 4, 5 and 7, wherein the proper sequence identifiers were added in the appropriate location. The sequence identifiers were also added to the amended.

All additional formal objections are believed to have been addressed, and therefore, the objections may be withdrawn.

#### Indefiniteness

It is believed that the newly amended claims address the Examiner's bases for believing the claims to be indefinite. Therefore, this rejection is now believed to be overcome.

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§ 101

Claim 15 has been amended to properly narrow claim 1. Thus, claim 15 is not lacking in utility and comprises acceptable subject matter.

§ 103(a) Over the combination of Matson, in View of Davidner, Surkovich and Wang

In response to this rejection Applicants have amended claim 1 to incorporate the limitations of claim 6. Claim 6 was indicated by Examiner as comprising allowable subject matter.

It follows then, that newly amended claims and new claims 18-22 are in condition for allowance. Allowance is respectfully requested.

Respectfully Submitted,

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